

Richard D. McCune, SB # 132124
rdm@mwtriallawyers.com
Jae (Eddie) K. Kim, SB # 236805
jkk@mwtriallawyers.com
McCUNE & WRIGHT, LLP
2068 Orange Tree Lane, Suite 216
Redlands, CA 92374
Telephone: (909) 557-1250
Facsimile: (909) 557-1275

Attorneys for Plaintiffs,
VERONICA GUTIERREZ, ERIN WALKER
and WILLIAM SMITH, on behalf of themselves and
all others similarly situated,

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

VERONICA GUTIERREZ, ERIN WALKER and)
WILLIAM SMITH, as individuals, and on behalf)
of all others similarly situated,)

Plaintiffs,

v.

WELLS FARGO & COMPANY; WELLS)
FARGO BANK, N.A.; and DOES 1 through 125,)

Defendants.

Case No.: C 07-05923 WHA (JCSx)

CLASS ACTION

**PLAINTIFFS' NOTICE OF TAKING
DEPOSITIONS**

Date: July 9, 2008

Time: 10:30 a.m. / 1:00 p.m.

Judge Assigned: Hon. William H. Alsup

Complaint Filed: November 21, 2007November 21, 2007

TO DEFENDANTS AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that pursuant to Federal Rule of Civil Procedure, Rules 26 and 30,
Defendant, WELLS FARGO BANK, N.A., shall produce the following deponents to appear for
deposition on **July 9, 2008**, commencing at the hour of 10:30 a.m., upon oral examination at the law
offices of Covington & Burling, located at One Front Street, San Francisco, California, on the date and
time as specified below, before a notary public/certified shorthand reporter authorized to administer
oaths. Said depositions may be recorded by videotape in addition to recording the testimony

1 stenographically, and further, plaintiffs may record the testimony by stenographic method, through the
2 instant visual display of the testimony.

3 **1) DEPONENT: 30(b)(6) WITNESS/PERSON MOST KNOWLEDGEABLE REGARDING:**

4 A) The recording and retaining of computer data from the Settlement Computer
5 System related to the date and time individual transactions were authorized
6 by Wells Fargo for California customers from 2003 to the present;

7 **DATE: July 9, 2008**

8 **TIME: 10:30 a.m.**

9 **2) DEPONENT: 30(b)(6) WITNESS REGARDING:**

10 B) The recording and retaining of computer data from the BMGP database
11 related to the date and time individual transactions were authorized by Wells
12 Fargo for California customers from 2003 to the present;

13 **DATE: July 9, 2008**

14 **TIME: 10:30 a.m.**

15
16 **3) DEPONENT: 30(b)(6) WITNESS REGARDING:**

17 A) The recording and retaining of computer data from the RDS Computer
18 System related to the date and time individual transactions were authorized
19 by Wells Fargo for California customers from 2003 to the present;

20 **DATE: July 9, 2008**

21 **TIME: 1:00 p.m.**

22 Said depositions will continue day to day, or on such other dates as the parties mutually agree to,
23 until completed.

24 DATED: July 7, 2008.

McCUNE & WRIGHT, LLP

25
26 BY: 

27 Richard D. McCune
28 Attorney for Plaintiffs

Case: GUTIERREZ, et al. v. WELLS FARGO BANK, et. al.

PROOF OF SERVICE

STATE OF CALIFORNIA
COUNTY OF SAN BERNARDINO

I am employed in the County of San Bernardino, State of California. I am over the age of 18 years and not a party to the within action; my business address is 2068 Orange Tree Lane, Suite 216, Redlands, California, 92374.

On July 7, 2008, I served the foregoing document described as **PLAINTIFFS' NOTICE OF TAKING DEPOSITIONS** on the interested parties through their respective attorneys of record in this action, by placing a ☒ true copy or ☐ original thereof enclosed in sealed envelopes addressed as follows:

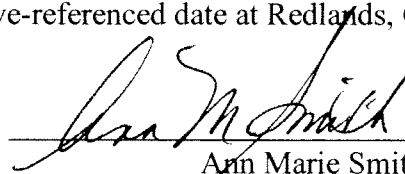
Sonya D. Winner, Esquire
David M. Jolley, Esquire
Margaret G. May, Esquire
COVINGTON & BURLING, LLP
One Front Street
San Francisco, CA 94111
Telephone: (415) 591-6000
Facsimile: (415) 591-6091

Attorneys for Defendants

METHOD OF SERVICE:

- [] **(BY MAIL)** I am readily familiar with the firm's business practice for collection and processing of correspondence for mailing. Under that practice, I caused such envelopes with postage thereon fully prepaid to be placed in the United States mail at Redlands, California.
- [X] **(BY E-MAIL) Pursuant to Agreement of the Parties:** By transmitting it to the following individuals by electronic mail:
Sonya D. Winner: SWinner@cov.com
David M. Jolley: djolley@cov.com
Margaret G. May: mmay@cov.com
- [X] **(BY FAX)** I caused such documents to be transmitted by facsimile to the offices of the addressee(s). The facsimile machine reported no error.
- [] **(BY OVERNIGHT DELIVERY)** I caused such document to be delivered by overnight delivery to the offices of the addressee(s).

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made. Executed on the above-referenced date at Redlands, California.


Ann Marie Smith

Richard D. McCune, SB # 132124
rdm@mwtriallawyers.com
Jae (Eddie) K. Kim, SB # 236805
jkk@mwtriallawyers.com
McCUNE & WRIGHT, LLP
2068 Orange Tree Lane, Suite 216
Redlands, CA 92374
Telephone: (909) 557-1250
Facsimile: (909) 557-1275

Attorneys for Plaintiffs,
VERONICA GUTIERREZ, TIM FOX, ERIN WALKER
and WILLIAM SMITH

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

VERONICA GUTIERREZ, TIM FOX, ERIN
WALKER and WILLIAM SMITH, as individuals,
and on behalf of all others similarly situated,

Plaintiffs,

v.

WELLS FARGO & COMPANY; WELLS
FARGO BANK, N.A.; and DOES 1 through 125,

Defendants.

Case No.: C 07-05923 WHA

Assigned Judge: Hon. William H. Alsup

**PLAINTIFFS' NOTICE OF TAKING
DEPOSITION**

DATE: July 2, 2008
TIME: 10:30 a.m.

TO DEFENDANTS AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that pursuant to Federal Rule of Civil Procedure, Rules 26 and 30,
Defendant, WELLS FARGO BANK, N.A., shall produce the following deponents to appear for
deposition on July 2, 2008, commencing at the hour of 10:30 a.m., upon oral examination at the law
offices of Covington & Burling, located at One Front Street, San Francisco, California, on the date and
time as specified below, before a notary public/certified shorthand reporter authorized to administer
oaths. Said deposition may be recorded by videotape in addition to recording the testimony

1 stenographically, and further, plaintiffs may record the testimony by stenographic method, through the
2 instant visual display of the testimony.

3 **1) DEPONENT: 30(b)(6) WITNESS/PERSON MOST KNOWLEDGEABLE REGARDING:**

4 **A)** The recording and retaining of computer data from any and all hardware and
5 software sources in the custody or control of Wells Fargo, N.A. or Wells
6 Fargo & Company that provides information as to the time and/or date
7 individual customers accessed the Wells Fargo website from 2003 to the
8 present;

9 **B)** The recording and retaining of computer data from any and all hardware and
10 software sources in the custody or control of Wells Fargo, N.A. or Wells
11 Fargo & Company that provides information as to the screens any individual
12 customer accesses in a online session on the Wells Fargo website from 2003
13 to the present.

14 **DATE: July 2, 2008**

15 **TIME: 10:30 a.m.**

16 Said deposition will continue day to day, or on such other dates as the parties mutually agree to,
17 until completed.

18 DATED: June 16, 2008.

McCUNE & WRIGHT, LLP

20 BY:



21 Richard D. McCune
22 Attorney for Plaintiffs
23
24
25
26
27
28

Case: GUTIERREZ, et al. v. WELLS FARGO BANK, et. al.

PROOF OF SERVICE

STATE OF CALIFORNIA
COUNTY OF SAN BERNARDINO

I am employed in the County of San Bernardino, State of California. I am over the age of 18 years and not a party to the within action; my business address is 2068 Orange Tree Lane, Suite 216, Redlands, California, 92374.

On June 16, 2008, I served the foregoing document described as **PLAINTIFFS' NOTICE OF TAKING DEPOSITION** on the interested parties through their respective attorneys of record in this action, by placing a ☒ true copy or ☐ original thereof enclosed in sealed envelopes addressed as follows:

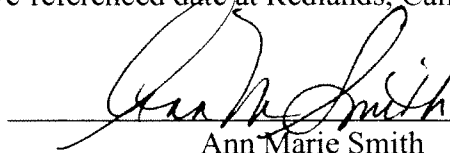
Sonya D. Winner, Esquire
David M. Jolley, Esquire
Margaret G. May, Esquire
COVINGTON & BURLING, LLP
One Front Street
San Francisco, CA 94111
Telephone: (415) 591-6000
Facsimile: (415) 591-6091

Attorneys for Defendants

METHOD OF SERVICE:

- [X] **(BY MAIL)** I am readily familiar with the firm's business practice for collection and processing of correspondence for mailing. Under that practice, I caused such envelopes with postage thereon fully prepaid to be placed in the United States mail at Redlands, California.
- [X] **(BY E-MAIL)** By transmitting it to the following individuals by electronic mail:
Sonya D. Winner: SWinner@cov.com
David M. Jolley: djolley@cov.com
- [] **(BY FAX)** I caused such documents to be transmitted by facsimile to the offices of the addressee(s). The facsimile machine used complied with California Rules of Court, rule 2003, and no error was reported by the machine.
- [] **(BY OVERNIGHT DELIVERY)** I caused such document to be delivered by overnight delivery to the offices of the addressee(s).

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made. Executed on the above-referenced date at Redlands, California.


Ann Marie Smith

Richard D. McCune, SB # 132124
rdm@mwtriallawyers.com
Jae (Eddie) K. Kim, SB # 236805
jkk@mwtriallawyers.com
McCUNE & WRIGHT, LLP
2068 Orange Tree Lane, Suite 216
Redlands, CA 92374
Telephone: (909) 557-1250
Facsimile: (909) 557-1275

Attorneys for Plaintiffs,
VERONICA GUTIERREZ, TIM FOX, ERIN WALKER
and WILLIAM SMITH

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

VERONICA GUTIERREZ, TIM FOX, ERIN
WALKER and WILLIAM SMITH, as individuals,
and on behalf of all others similarly situated,

Plaintiffs,

v.

WELLS FARGO & COMPANY; WELLS
FARGO BANK, N.A.; and DOES 1 through 125,

Defendants.

Case No.: C 07-05923 WHA

Assigned Judge: Hon. William H. Alsup

**PLAINTIFFS' NOTICE OF TAKING
DEPOSITIONS**

DATE: June 24, 2008 and June 25, 2008

TO DEFENDANTS AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that pursuant to Federal Rule of Civil Procedure, Rules 26 and 30,
Defendant, WELLS FARGO BANK, N.A., shall produce the following deponents to appear for
deposition on June 24, 2008 and June 25, 2008, upon oral examination at the law offices of Covington &
Burling, located at One Front Street, San Francisco, California, on the date and time as specified below,
before a notary public/certified shorthand reporter authorized to administer oaths. Said depositions may

1 be recorded by videotape in addition to recording the testimony stenographically, and further, plaintiffs
2 may record the testimony by stenographic method, through the instant visual display of the testimony.

3 **1) DEPONENT: KARL WILLARD, INDIVIDUALLY, AND 30(b)(6) WITNESS/PERSON**
4 **MOST KNOWLEDGEABLE REGARDING:**

5 **A)** The recording and retaining of computer data from any and all hardware and
6 software sources in the custody or control of Wells Fargo, N.A. or Wells
7 Fargo & Company related to the date and time individual transactions were
8 authorized by Wells Fargo for California customers from 2003 to the present;

9 **B)** The recording and retaining of computer data from any and all hardware and
10 software sources in the custody or control of Wells Fargo, N.A. or Wells
11 Fargo & Company related to the computerized review of available balance
12 information before transactions were authorized by Wells Fargo for
13 California customers from 2003 to the present.

14 **DATE: June 24, 2008**

15 **TIME: 10:30 a.m.**

16 **2) DEPONENT: DEBBIE CHACON, INDIVIDUALLY, AND 30(b)(6) WITNESS/PERSON**
17 **MOST KNOWLEDGEABLE REGARDING:**

18 **A)** The recording and retaining of computer data from any and all hardware and
19 software sources in the custody or control of Wells Fargo, N.A. or Wells
20 Fargo & Company related to the date and time individual transactions were
21 authorized by Wells Fargo for California customers from 2003 to the present;

22 **B)** The recording and retaining of computer data from any and all hardware and
23 software sources in the custody or control of Wells Fargo, N.A. or Wells
24 Fargo & Company related to the computerized review of available balance
25 information before transactions were authorized by Wells Fargo for
26 California customers from 2003 to the present.

27 **DATE: June 25, 2008**

28 **TIME: 9:00 a.m.**

3) DEPONENT: 30(b)(6) WITNESS/PERSON MOST KNOWLEDGEABLE REGARDING:

A) Each disclosure provided to Plaintiffs William Smith, Erin Walker, Tim Fox and Veronica Gutierrez that Wells Fargo contends informed each of them that they could or would be charged overdraft fees for debit transactions and/or ATM withdrawals when they had sufficient funds in their checking accounts to cover these transactions at the time they were made;

B) Each disclosure provided to Plaintiff William Smith, Erin Walker, Tim Fox and Veronica Gutierrez that Wells Fargo contends informed them that they could or would be charged overdraft fees for debit transactions and/or ATM withdrawals, when the amount of the transaction or withdrawal was less than the stated "available balance" published by Wells Fargo at the time the transaction was made;

C) Differences between disclosures sent to putative class members that purported to inform class members that they could or would be charged overdraft fees for debit transactions and/or ATM withdrawals when they had sufficient funds in their checking accounts to cover these transactions at the time they were made;

D) Differences between disclosures sent to putative class members that purported to inform class members that they could or would be charged overdraft fees for debit transactions and/or ATM withdrawals, when the amount of the transaction or withdrawal was less than the stated "available balance" published by Wells Fargo at the time the transaction was made.

DATE: June 25, 2008

TIME: 1:00 p.m.

///

///

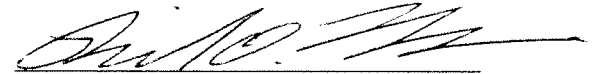
///

1 Said depositions will continue day to day, or on such other dates as the parties mutually agree to,
2 until completed.

3 DATED: June 16, 2008.

McCUNE & WRIGHT, LLP

4
5 BY:



6 Richard D. McCune
7 Attorney for Plaintiffs
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Case: GUTIERREZ, et al. v. WELLS FARGO BANK, et. al.

PROOF OF SERVICE

STATE OF CALIFORNIA
COUNTY OF SAN BERNARDINO

I am employed in the County of San Bernardino, State of California. I am over the age of 18 years and not a party to the within action; my business address is 2068 Orange Tree Lane, Suite 216, Redlands, California, 92374.

On June 16, 2008, I served the foregoing document described as **PLAINTIFFS' NOTICE OF TAKING DEPOSITIONS** on the interested parties through their respective attorneys of record in this action, by placing a ☒ true copy or ☐ original thereof enclosed in sealed envelopes addressed as follows:

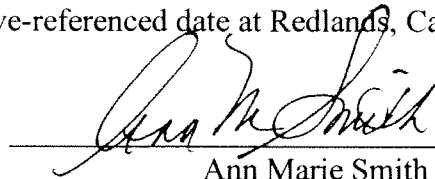
Sonya D. Winner, Esquire
David M. Jolley, Esquire
Margaret G. May, Esquire
COVINGTON & BURLING, LLP
One Front Street
San Francisco, CA 94111
Telephone: (415) 591-6000
Facsimile: (415) 591-6091

Attorneys for Defendants

METHOD OF SERVICE:

- [X] **(BY MAIL)** I am readily familiar with the firm's business practice for collection and processing of correspondence for mailing. Under that practice, I caused such envelopes with postage thereon fully prepaid to be placed in the United States mail at Redlands, California.
- [X] **(BY E-MAIL)** By transmitting it to the following individuals by electronic mail:
Sonya D. Winner: SWinner@cov.com
David M. Jolley: djolley@cov.com
- [] **(BY FAX)** I caused such documents to be transmitted by facsimile to the offices of the addressee(s). The facsimile machine used complied with California Rules of Court, rule 2003, and no error was reported by the machine.
- [] **(BY OVERNIGHT DELIVERY)** I caused such document to be delivered by overnight delivery to the offices of the addressee(s).

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made. Executed on the above-referenced date at Redlands, California.


Ann Marie Smith